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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,604	11/24/2003	Kazunori Sugitani	00862.023320	1029
5514	7590	08/23/2005		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER LE, UYEN CHAU N	
			ART UNIT 2876	PAPER NUMBER
DATE MAILED: 08/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary

Application No.

10/718,604

Applicant(s)

SUGITANI, KAZUNORI

Examiner

Uyen-Chau N. Le

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Requesting Continued Examination (RCE)

1. Receipt is acknowledged of the Requesting Continued Examination (RCE) field 11 August 2005.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 7-9, 11 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (US 5,378,887) in view of Palmer et al (US 5,530,702) and Seita et al (US 6,729,550).

Re claims 1-3, 5, 7-9, 11 and 16-21: Kobayashi discloses a non-contact communication apparatus/card 30 control system and method comprising: a communication component 40 which communicates information in a non-contact state; a time designation component 12 which designates a communication permission time; and a communication control component 14 which determines, upon receiving a communication request, whether or not the communication permission time designated by the time designation component 12 has been reached, permits communication by the communication component 14 when determining that the permission time has been

reached (col. 6, lines 45-48), and prohibits communication by said communication component when determining that the permission time has not been reached (fig. 2; col. 5, line 35 through col. 6, line 54); wherein the card further comprises a designation component 22 which designates permission/prohibition of communication, and the communication control component 14 further prohibits communication by the communication component 40 if prohibition of communication is designated by the designation component 22 (e.g., the Schmitt trigger circuit 22 has an output E connected to an input of the control circuit 14; the control circuit outputs a control signal controlling the main circuit 16 according to the output signal E of the Schmitt trigger circuit 22) (col. 5, lines 25+ and col. 6, lines 24+); a recording component (e.g., memory 32) which records a log of communication performed by the communication component 40 (figs. 5-9; col. 7, line 41 through col. 9, line 32).

Kobayashi is silent with respect to determining whether or not the current time at which the communication request is received within the communication permission time period, permits communication if the current time is within the communication permission time period and prohibits communication if the current time is not within the communication permission time period.

Palmer et al teaches a RFID tag, which serves as a non-contact card determining whether or not the current time at which the communication request is received within the communication permission time period; if receipt of the first acknowledgment signal by the RFID tag within the predetermined time period permits the RFID tag to perform the next step of the communication sequence, that of transmitting a data-containing signal (i.e., transmitting, 80, the article ID code to the external network controller); if receipt of the

first acknowledgment signal is not within the communication permission time period (i.e., too early or too late) with respect to when the request to transmit signal is sent, prohibits communication (i.e., causes the requesting RFID tag to generate, 66, a new random number, to reset and restart its counter, 68, and to reinitiate the above-described communication sequence with the network controller) (col. 4, lines 61-67 and col. 9, lines 5-16).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Palmer et al into the system as taught by Kobayashi in order to provide Kobayashi with a more secure system preventing the data signal from transmitting to an unauthorized terminal.

Kobayashi as modified by Palmer et al is silent with respect to the communication permission time being set by a user of the card.

Seita et al teaches a portable terminal apparatus may have a unit in which the user can change and set the predetermined period of time (col. 2, lines 35-45).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Seita et al into the system as taught by Kobayashi/Palmer et al in order to provide Kobayashi/Palmer et al with an advantageous system in which a user has the flexibility in setting and changing a predetermined communication time to his/her desired for each service, and therefore an obvious expedient.

4. Claims 13-14 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaultier (US 6,631,848) in view of Palmer et al (US 5,530,702) and Seita et al (US 6,729,550).

Re claims 13-14 and 22-24: Gaultier discloses a program for controlling a non-contact communication apparatus which has a communication component 21 which communicates information in a non-contact state, the program causing a computer to execute: a time designation step of designating a communication permission time (e.g., "dead time" or "silent time" T_0) (col. 5, lines 26-31); a communication control step of determining, upon receiving a communication request, whether or not the communication permission time designated in the time designation step has been reached, permitting communication by the communication component when determining that the permission time has been reached, and prohibiting communication by the communication component when determining that the permission time has not been reached (figs. 4a & 4b; col. 5, lines 20-57); a logic circuit, which serves as a designation component which designates permission/prohibition of communication; a computer program causing a computer to execute a communication control step of prohibiting communication by the communication component when prohibition of communication is designated by the designation component (col. 5, lines 46-57).

Gaultier is silent with respect to determining whether or not the current time at which the communication request is received within the communication permission time period, permits communication if the current time is within the communication permission time period and prohibits communication if the current time is not within the communication permission time period.

Palmer et al teaches a RFID tag, which serves as a non-contact card determining whether or not the current time at which the communication request is received within the communication permission time period; if receipt of the first acknowledgment signal by the

RFID tag within the predetermined time period permits the RFID tag to perform the next step of the communication sequence, that of transmitting a data-containing signal (i.e., transmitting, 80, the article ID code to the external network controller); if receipt of the first acknowledgment signal is not within the communication permission time period (i.e., too early or too late) with respect to when the request to transmit signal is sent, prohibits communication (i.e., causes the requesting RFID tag to generate, 66, a new random number, to reset and restart its counter, 68, and to reinitiate the above-described communication sequence with the network controller) (col. 4, lines 61-67 and col. 9, lines 5-16).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Palmer et al into the system as taught by Gaultier in order to provide Gaultier with a more secure system preventing the data signal from transmitting to an unauthorized terminal.

Gaultier as modified by Palmer et al is silent with respect to the communication permission time being set by a user of the card.

Seita et al teaches a portable terminal apparatus may have a unit in which the user can change and set the predetermined period of time (col. 2, lines 35-45).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Seita et al into the system as taught by Gaultier/Palmer et al in order to provide Gaultier/Palmer et al with an advantageous system in which a user has the flexibility in setting and changing a predetermined communication time to his/her desired for each service, and therefore an obvious expedient.

5. Claims 4, 6, 10, 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi as modified by Palmer et al and Seita et al as applied to claim 1 above, and further in view of Parrault (US 6,724,103). The teachings of Kobayashi as modified by Palmer et al and Seita et al have been discussed above.

Re claims 4, 6, 10, 12 and 15: Kobayashi/Palmer et al/Seita et al have been discussed above but fail to teach or fairly suggest a display component/step for displaying information recorded in the recording step.

Parrault teaches a non-contact card 10 having a display 30 (fig. 2) for displaying recorded information (col. 4, line 66 through col. 5, line 5).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Parrault into the system as taught by Kobayashi/Palmer et al/Seita et al in order to provide the user/operator with the ability to verify transaction data via the display, preventing any undesired information being transacted. Furthermore, such modification would provide the user the ability to correct and/or stop a transaction readily upon receiving any incorrect information, and therefore an obvious expedient.

Response to Arguments

6. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Newly cited reference to Palmer et al has been used in the new ground rejection to further meet the newly added limitation of the claimed invention.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Furuta (US 5,698,837) is cited as of interest and illustrate to a similar structure of a non-contact communication card and non-contact communication apparatus control method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on Mon-Fri. 5:30AM-2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le
Examiner
Art Unit 2876

August 19, 2005